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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92053066
Party	Plaintiff Road Tools Inc.
Correspondence Address	JEFFREY H GREGER LOWE HAUPTMAN HAM & BERNER LLP 1700 DIAGONAL ROAD, SUITE 310 ALEXANDRIA, VA 22314 UNITED STATES jhgreger@IPFirm.com
Submission	Other Motions/Papers
Filer's Name	Jeffrey H. Greger
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Date	01/31/2012
Attachments	withdrawal wout prej.pdf (3 pages)(93833 bytes)

Withdrawal of Opposition to Motion to Amend

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
TRADEMARK TRIAL AND APPEAL BOARD**

In the matter of U.S. Registration No. 3527661

Mark: **COOLPAD 酷派**

Registration Date: November 4, 2008

Road Tools LLC)	
)	
Petitioner,)	
)	
v.)	Cancellation No.: 92-053066
)	
Yulong Computer Telecommunication)	
Scientific (Shenzhen) Co., Ltd.)	
)	
Registrant)	
)	

**PETITIONER'S WITHDRAWAL OF OPPOSITION
TO REGISTRANT'S MOTION FOR LEAVE TO FILE SECOND
AMENDED ANSWER AND NEW COUNTERCLAIM WITHOUT PREJUDICE**

On January 30, 2012, Petitioner, Road Tools, LLC, filed its opposition to Registrant Yulong's Motion seeking leave to amend to file a Second Amended Answer asserting a new counterclaim. Petitioner's Opposition was filed inadvertently believing that the deadline for Opposing said motion was January 30, 2012, twenty days from the January 10, 2012 service date of said motion. In fact, the Board approved a request filed by Yulong to extend the time for Petitioner to file an Opposition to Yulong's Motion for Leave to Amend through March

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30, 2012. See January 18, 2012 Order. The purpose of the approved extension of time was to allow the parties adequate time to attempt to avoid continued litigation, negotiate a possible amicable solution, and take into consideration the Chinese New Year holiday and communication issues between Yulong and its new counsel, but not to delay or otherwise suspend the proceedings.

Petitioner filed its Opposition prematurely without allowing sufficient time for the parties to avoid the need for possible continued litigation. Therefore, Petitioner withdraws its Opposition at this time, one day after filing it, but without prejudice, preserving its right to file an Opposition within the time period previously approved by the Board, in the event the parties are unable to promptly resolve this dispute amicably and to the mutual satisfaction of the parties.

WHEREFORE Petitioner requests the Board take no action on the Opposition response filed yesterday, January 30, 2010; consider the Opposition withdrawn without prejudice; and otherwise the Board's prior Order allowing an Opposition be filed through the date of March 30, 2012 and the remaining dates in the Order effective.

Respectfully submitted,
LOWE HAUPTMAN HAM & BERNER, LLP

A handwritten signature in black ink, appearing to read 'Jeffrey H. Greger', with a long horizontal flourish extending to the right.

Jeffrey H. Greger
Attorney for Petitioner

1700 Diagonal Road, Suite 310

Withdrawal of Opposition to Motion to Amend

Alexandria, Virginia 22314
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January 30, 2012

Certificate of Service

I hereby certify that a copy of the foregoing Withdrawal of Opposition has been forwarded to Respondent's currently listed correspondence address and contact information according to the current records as contained in the U.S. Patent and Trademark Office records as appears below, by email and facsimile pursuant to agreement between counsel and served this day, January 31, 2012 upon the following.

B. Brett Heavner
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Fax No. 202-408-4400
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Dated: January 31, 2012



Jeffrey H. Greger